

Patent
Serial No. 10/521,134
Amendment in Reply to Office Action of April 6, 2006

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated April 6, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13 were currently pending in the Application. Claims 14-16 are added by this amendment. Claims 1 and 7 are independent claims.

Claim 13 is rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Applicants respectfully disagree with and explicitly traverse this ground for rejecting Claim 13. It is the Applicants' position that the claim requires statutory subject matter. However, in the interest of furthering the prosecution of this matter, Applicants have elected to amend the claim to more clearly state the invention. Specifically, Applicants have amended Claim 13 to more clearly state a computer wherein the computer is configured to control the recorder. Clearly Claim 13 requires statutory subject matter. Accordingly, it is respectfully requested that the rejection of Claim 13 be withdrawn.

Claim 1-13 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Publication No. 2002/0021635 to Park et al ("Park"). These rejections are respectfully traversed.

Park shows a method for protecting disc coping by creating a disc identifier in the form of track numbers and addresses detected

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from the lead-in area of the disc (see, paragraph [0010]). Park makes clear that (emphasis added) "[o]nce a disc is put on the reproducing drive 101, the reproducing drive 101 detects data information in the lead-in region of the disc and store the data information in the disc information storage 113 so as to obtain information such as number of tracks, track numbers, length of each track and track address to create a disc identifier (see, FIG. 2 and accompanying paragraph [0034]). Thereafter, the system checks a copy-protected disk table to "obtain track information and track addresses" of discs stored in the table (see, paragraph [0035]). Next the device checks the disc identifier with the track information and addresses of each track retrieved from the look-up table (see, [0036]). If the disc identifier is not found in the look-up table, the identifier of the disk is written to the look-up table (see, paragraph [0048]).

Again Park makes clear that the "identifier of the disc can be created and stored according to the number of tracks." (See, paragraph [0049], lines 1-2.) "The identifier storing in the lookup tale of the copy-protected disc table storage 114 comprises the track numbers and the address information of each track detected from the disc ..." (See, paragraph [0051]).

Accordingly, in Park, the disc identifier is created from information contained in the lead-in area of the disc, namely the numbers and the address information of each track, and length of each track.

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It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Park. For example, Park does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "a method of controlling a digital media recorder capable of recording digital media sequences on a digital media carrier, comprising the steps of: -extracting, from an input media sequence, a media sequence, a media sub-sequence, -calculating a sub-sequence digital fingerprint from the media sub-sequence - comparing the sub-sequence fingerprint with at least one first reference fingerprint, said first reference fingerprint being fetched from a primary database of fingerprints, yielding a first comparison value; - depending on the first comparison value, allowing or obstructing recording of the input media sequence on the media carrier, -comparing the sub-sequence fingerprint with at least one second reference fingerprint, said second reference fingerprint being fetched from a secondary database of fingerprints, yielding a second comparison value, - depending on the second comparison value, storing the fingerprint in the secondary database, - depending on at least the first comparison value, updating the primary database with information from the secondary database that the digital media sequence has been recorded on the media carrier" as required by claim 1 and as substantially required by claim 7.

As should now be clear, the present system utilizes fingerprints that are derived from sub-sequences of the actual

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content (e.g., see, page 8, lines 26-30). This is in contrast to the disc identifier information in Park which comprises track numbers and addresses of the entire disc. Furthermore, the present invention creates a subsequence only from a media sequence being recorded in contrast to disc identifier information in Park which records the entire media regardless of actual tracks being recorded.

Another technical difference is that there are two databases in the present invention and only one database in Park (Fig. 1, element 114). In the Office Action the Examiner states in Park "said second reference being fetched from a secondary database of fingerprints (Fig. 1, element 114) . . . and first reference fingerprint being fetched from a primary database of fingerprints (Fig. 1, element 114). In Park, there is not any mention of a secondary database and in any case the Examiner points to the same element (Fig. 1, element 114) as the primary and secondary database. Therefore, Park demonstrates only one database.

In contrast to Park, the present invention comprises a primary and secondary database for storing fingerprints calculated from sub-sequences of the media as illustrated above.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 7 are patentable over Park and notice to this effect is earnestly solicited. Claims 2-6 and 9-16 respectively depend from one of claims 1 and 7 and accordingly are allowable for at least these reasons as well as for the separately

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patentable elements contained in the claims. For example, Park does not disclose or suggest "wherein the secondary database updates the primary database in response to ejecting the media carrier" as required by claim 14 and as substantially required by each of claims 15 and 16. Accordingly, separated consideration of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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